

Arnold & Porter

Paul J. Fishman
+1 212.836.8152 Direct
Paul.Fishman@arnoldporter.com

December 20, 2018

VIA CM/ECF

Hon. Steven C. Mannion
United States Magistrate Judge
United States District Court for the District of
New Jersey
Martin Luther King Federal Building & United
States Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *Tobin v. Samsung Electronics America, Inc.*, Civil Action No.
2:18-cv-12473-JLL-SCM (D.N.J.)

Dear Judge Mannion:

We represent defendant Samsung Electronics America, Inc. ("SEA"), and write to respectfully ask that the Court postpone the scheduling conference currently scheduled for January 30, 2019.¹

On October 4, 2018, SEA moved to dismiss plaintiff's complaint. In lieu of responding to the motion, Plaintiff filed a first amended complaint on October 2, 2018. On November 8, 2018, SEA again moved to dismiss. That motion is now fully briefed and submitted to the Court.

Adjournment of the scheduling conference until after SEA's motion to dismiss has been resolved would conserve judicial resources and limit the parties' expenses. If the Court grants SEA's motion to dismiss, obviously no conference will be necessary. And even if some claims were to survive Rule 12 scrutiny, the Court could well narrow them in ways that would circumscribe the scope of discovery. Accordingly, we suggest that the Court wait to schedule the conference and direct the parties to confer about a

¹ On December 19, 2018, Plaintiff's counsel advised that they do not consent to this request.

SO ORDERED

s/Steven C. Mannion
Steven C. Mannion, U.S.M.J.

Date: 12/26/18